

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

SHARON TAYLOR, *et al.*,

CAUSE NOS. 2:07-cv-00001, 2:07-cv-00013, 2:07-cv-00014, 2:07-cv-00017, 2:07-cv-00018, 2:07-cv-00410

Plaintiffs,

§ JUDGE: DONALD WALTER

v.

§ **RESPONSE TO DEFENDANT  
CONTINUEDED.COM, LLC D.B.A.  
IDRIVESAFELY.COM'S  
SUPPLEMENT TO CONSOLIDATED  
MOTION TO DISMISS ON  
COMMONISSUES AND RESPONSE  
TO PLAINTIFFS' STATEMENT OF  
VIOLATIONS OF THE DRIVER  
PRIVACY PRTOTECTION ACT**

**RESPONSE TO DEFENDANT CONTINUEDED.COM, LLC D.B.A.  
IDRIVESAFELY.COM'S SUPPLEMENT TO CONSOLIDATED MOTION TO  
DISMISS ON COMMONISSUES AND RESPONSE TO PLAINTIFFS'  
STATEMENT OF VIOLATIONS OF THE DRIVER PRIVACY PRTOTECTION  
ACT**

Plaintiffs, By And Through Their Undersigned Counsel, Hereby File Their Response To Defendant Continueded.Com, LLC D.B.A. Idrivesafely.Com's Supplement to Consolidated Motion to Dismiss On Common Issues And Response To Plaintiffs' Statement Of Violations Of The Driver Privacy Protection Act, and In Support Thereof,<sup>1</sup> State:

It appears that this Defendant has raised many issues that were addressed in Plaintiffs' Response to Defendants' Consolidated Motion to Dismiss on Common Issues. Plaintiffs would reiterate the argument made in that Response as follows:

Nor should Congressional intent should be surmised solely because of a particular piece of legislation's impact upon

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<sup>1</sup>As with Defendants, Plaintiffs also rely on all arguments previously made in response to this Defendant's previously filed Motions to Dismiss.

the business it regulates. Convenience Purchasers chose their businesses. There are all sorts of statutes that make running a business more costly or, in some cases impractical. Simply put, business necessity is not an authorized purpose for obtaining personal information for motor vehicles records.

Incidentally, none of the statutes listed by this Defendant ever expressly require this Defendant to use “motor vehicle records.” This Defendant simply asserts that “In effect, the Commissioner’s regulations . . . necessitate that approved providers of driver education courses such as Defendant, have *immediate* access to a minimum of two databases containing a variety of personally unique information including “personal information” as that term is defined by the DPPA. Thus, this Defendant admits that this information is available elsewhere. This is simply the most convenient way for this Defendant to conduct its chosen business. This Defendant is simply a Convenience Purchaser, as are a number of the Defendants involved in this lawsuit. In short, this Defendant obtained millions of individual’s “motor vehicle records” without any use for them. This violated the DPPA because the data was obtained for a purpose not allowed by the DPPA.

The remainder of the arguments presented by this Defendant are boilerplate in nature and have been fully addressed in Plaintiffs’ Response to Defendants’ Consolidated Motion to Dismiss on Global Issues. Plaintiffs hereby refer to that Response and all arguments contained therein.

For these reasons, as well as those previously presented to the Court in response to this Defendant’s original Motion to Dismiss, Plaintiffs contend that this Defendant’s Motion to Dismiss should be denied.

Respectfully submitted,

**THE COREA FIRM, P.L.L.C.**

/Jeremy R. Wilson/

Thomas M. Corea  
Texas Bar No. 24037906  
Jeremy R. Wilson  
Texas Bar No. 24037722  
The Republic Center  
325 North St. Paul Street, Suite 4150  
Dallas, Texas 75201  
Telephone: (214)953-3900  
Facsimile: (214)953-3901

**OTSTOTT & JAMISON, P.C.**

George A. Otstott  
Texas Bar No. 15342000  
Ann Jamison  
Texas Bar No. 00798278  
Two Energy Square  
4849 Greenville Avenue, Suite 1620  
Dallas, Texas 75206  
Telephone: (214)522-9999  
Facsimile: (214)828-4388

**THE MANN FIRM**

James Mark Mann  
Texas Bar No. 12926150  
300 W. Main  
Henderson, TX 75652  
(903) 657-8540  
Fax: (903) 657-6003

**CERTIFICATE OF SERVICE**

I certify that on May 9th, 2008, I electronically filed the above Motion with the Clerk of the Court using CM/ECF and that the Motion has been forwarded by CM/ECF to all counsel of record.

/Jeremy R. Wilson/  
Jeremy R. Wilson